

ELIMINATION OF OATH ON CERTAIN FCC DOCUMENTS

APRIL 9, 1962.—Referred to the House Calendar and ordered to be printed

Mr. MOULDER, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany S. 683]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 683) to amend the Communications Act of 1934, as amended, by eliminating the requirement of an oath or affirmation on certain documents filed with the Federal Communications Commission, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purpose of S. 683 is to amend sections 219, 308, and 319 of the Communications Act of 1934, as amended, so as to eliminate the requirement of an oath or affirmation on certain reports and application forms submitted to the Federal Communications Commission pursuant to said sections. Affected would be annual and other reports of common carriers required under section 219, and applications for construction permits, station licenses, or modifications or renewals thereof, under sections 308 and 319.

GENERAL STATEMENT

The requirement of an oath or affirmation on certain reports and application forms submitted to the Commission imposes a burden on the public and also on the Commission in those instances where the applicant omits the required oath or affirmation. In such cases the workload of the Commission is increased to the extent necessary to return reports or application forms for the required verification. This slows up the consideration by the Commission of the matters involved and the processing of applications. Inconvenience and delay to the public result.

As a substitute for the oath or affirmation on Commission forms, where presently required, the Federal Communications Commission proposes to provide on the forms a warning similar to the following:

Willful false statements on this form can be punished by fine or imprisonment (18 U.S.C. 1001).

Title 18, United States Code, section 1001, provides that whoever makes any false or fraudulent statement or representations concerning any matter within the jurisdiction of any department or agency of the United States shall be punished by a fine of not more than \$10,000 or imprisoned for not more than 5 years, or both. In addition, the Communications Act provides in section 312(a) that a station license or construction permit may be revoked for false statements knowingly made in an application or in any statement of fact which may be required under section 308.

Your committee feels, therefore, that the elimination of the oath or affirmation requirements would not adversely affect the interests of the Federal Communications Commission in view of the aforementioned provisions of the United States Code and the Communications Act. The enactment of this legislation will be another step in eliminating delays and inconveniences in processing applications.

The committee has been advised by the Department of Justice that the enactment of this legislation would not adversely affect the enforcement activities of that Department.

The Federal Communications Commission's explanation of the bill is set forth below.

AGENCY REPORTS

DECEMBER 14, 1961.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to the oral request made by Mr. Painter of your staff for advice as to whether enactment of S. 683 would adversely affect the enforcement activities of this Department.

Although, as the committee was advised by telephone on March 24, 1961, the Department has no recommendation as to whether this legislation should be enacted, such enactment would not adversely affect our enforcement activities.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 16, 1961.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of
Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letters of March 6 and 7, 1961, requesting the views of the Bureau of the Budget on, respectively, S. 683 and H.R. 4113, similar bills to amend the Communications Act of 1934, as amended, by eliminating the require-

ment of an oath or affirmation on certain documents filed with the Federal Communications Commission.

Any false, fictitious or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of the U.S. Government is, under the provisions of title 18, section 1001, of the U.S. Code, punishable by fine of not more than \$10,000 or imprisonment for not more than 5 years, or both. The additional requirement of oath or affirmation on reports and applications to the Federal Communications Commission is therefore superfluous and an unnecessary burden upon the Government and the public.

The Bureau of the Budget accordingly recommends favorable consideration of S. 683, the proposal which has already been approved by the Senate.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., May 19, 1961.

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR CHAIRMAN HARRIS: This is in reply to your request seeking this Commission's comments on S. 683, a bill to amend the Communications Act of 1934, as amended, by eliminating the requirement of an oath or affirmation on certain documents filed with the Federal Communications Commission.

We are advised by the Bureau of the Budget that from the standpoint of the administration's program, there is no objection to the presentation of this report to your committee.

The language of S. 683 is substantially the same as adopted by the Commission as a part of its legislative program for the 87th Congress. Enclosed are copies of the proposed amendment.

Sincerely yours,

NEWTON N. MINOW, *Chairman.*

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION
ON H.R. 4113, 87TH CONGRESS, 1ST SESSION, A BILL TO
AMEND THE COMMUNICATIONS ACT OF 1934, AS AMENDED,
BY ELIMINATING THE REQUIREMENT OF AN OATH OR AF-
FIRMATION ON CERTAIN DOCUMENTS FILED WITH THE
FEDERAL COMMUNICATIONS COMMISSION

H.R. 4113 would amend sections 219, 308, and 319 of the Communications Act of 1934, as amended, to eliminate the requirement of an oath or affirmation on certain report and application forms submitted to the Federal Communications Commission pursuant to such sections.

This bill is substantially the same as a proposal which the Commission has submitted to the 87th Congress as part of its legislative program. Attached are copies of the Commission's explanation of its proposal.

The Commission recommends the enactment of H.R. 4113. A companion bill (S. 683) passed the Senate on February 16, 1961.

Adopted: April 12, 1961.

(Proposed for 87th Cong., 1st sess., by the FCC)

EXPLANATION OF PROPOSED AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934, AS AMENDED, ELIMINATING THE REQUIREMENT OF AN OATH OR AFFIRMATION ON CERTAIN REPORTS AND APPLICATION FORMS SUBMITTED TO THE FEDERAL COMMUNICATIONS COMMISSION (47 U.S.C. 219, 308, AND 319)

The Federal Communications Commission recommends to the Congress the consideration of legislation to amend sections 219, 308, and 319 of the Communications Act of 1934, as amended, so as to eliminate the requirement of an oath or affirmation on certain reports and application forms submitted to the Federal Communications Commission pursuant to said sections. Affected would be annual and other reports of common carriers required under section 219, and applications for construction permits, station licenses, or modifications or renewals thereof under sections 308 and 319.

The requirement of an oath or affirmation on certain reports and application forms submitted to the Commission imposes a burden on the public, and also on the Commission in those instances where the applicant omits the required oath or affirmation. In such cases the workload of the Commission is increased to the extent necessary to return reports or application forms for the required verification. This slows up the consideration by the Commission of the matters involved and the processing of applications. Inconvenience and delay to the public result.

As a substitute for the oath or affirmation on Commission forms, where presently required, it is proposed to provide thereon a warning similar to the following: "Willful false statements on this form can be punished by fine or imprisonment" (United States Code, title 18, sec. 1001). Title 18, section 1001, United States Code, provides that whoever makes any false or fraudulent statements or representations concerning any matter within the jurisdiction of any department or agency of the United States shall be punished by a fine of not more than \$10,000 or imprisoned for not more than 5 years, or both. In addition, the Communications Act provides in section 312(a) that a station license or construction permit may be revoked for false statements knowingly made in an application or in any statement of fact which may be required under section 308.

The Commission feels, therefore, that the elimination of the oath or affirmation requirements would not adversely affect its interests in view of the aforementioned provisions

of the United States Code and the Communications Act, and accordingly urges the enactment of the proposed legislation.

Adopted: October 19, 1960.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTIONS 219, 308(b), AND 319(a) OF THE COMMUNICATIONS ACT OF 1934 (47 U.S.C. 219, 308(b), AND 319(a))

ANNUAL AND OTHER REPORTS

SEC. 219. (a) The Commission is authorized to require annual reports **[under oath]** from all carriers subject to this Act, and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such persons specific answers to all questions upon which the Commission may need information. Except as otherwise required by the Commission, such annual reports shall show in detail the amount of capital stock issued, the amount and privileges of each class of stock, the amounts paid therefor, and the manner of payment for the same; the dividends paid and the surplus fund, if any; the number of stockholders (and the names of the thirty largest holders of each class of stock and the amount held by each); the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employees and the salaries paid each class; the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to charges or regulations concerning charges, or agreements, arrangements, or contracts affecting the same, as the Commission may require.

(b) Such reports shall be for such twelve months' period as the Commission shall designate and shall be filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; and if any person subject to the provisions of this section shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such person shall forfeit to the United States the sum of \$100 for each and every day it shall

continue to be in default with respect thereto. The Commission may by general or special orders require any such carriers to file monthly reports of earnings and expenses and to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act [; and such periodical or special reports shall be under oath whenever the Commission so requires]. If any such carrier shall fail to make and file any such periodical or special report within the time fixed by the Commission, it shall be subject to the forfeitures above provided.

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APPLICATIONS FOR LICENSES; CONDITIONS IN LICENSE FOR FOREIGN COMMUNICATION

SEC. 308. (a) * * *

(b) All applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The Commission, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee [under oath or affirmation].

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CONSTRUCTION PERMITS

SEC. 319. (a) No license shall be issued under the authority of this Act for the operation of any station the construction of which is begun or is continued after this Act takes effect, unless a permit for its construction has been granted by the Commission. The application for a construction permit shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed by the applicant [under oath or affirmation].